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ARTICLE V. - VEHICLES FOR HIRE

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DIVISION 1. - GENERALLY

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Sec. 22-175. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business license means the license required of all persons engaged in business in the incorporated areas of the City of Woodstock as set forth in chapter 22, concerning licenses, permits and businesses, as amended.

Chauffeur means for purposes of this article, any person with a State of Georgia driver's license who meets the qualifications as prescribed in O.C.G.A. § 46-7-85.10 and who is authorized by the public service commission to drive a sedan, limousine, extended limousine, van or minibus.

City means the incorporated area of the City of Woodstock.

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Council means the mayor and council of the City of Woodstock.

Director means the city manager or such other person as may be designated.

Dispatcher means a person assigned to a base of operations, in contact with taxicabs of the licensee's company having access to a telephone to talk with passengers or place phone calls in the event of an emergency.

Domicile means the place where the corporate establishment is maintained; its principal place of business.

Licensee means a person licensed by the City of Woodstock business license office to engage in the vehicle for hire business.

Limousine means any motor vehicle that meets the manufacturer's specifications for luxury limousine with a designed seating capacity for no more than ten passengers with a minimum of five seats located behind the operator of the vehicle, and which does not have a door at the rear of the vehicle designed to allow passenger entry or exit; further, no vehicle shall be permitted to be operated both as a taxicab and as a limousine. Limousines and limousine carriers shall be fully regulated by the state under the public service commission.

Motor vehicle safety standards means standards promulgated by the police department for approval by the council that all vehicles for hire regulated under this article must meet.

Operator's permit means the written authority granted by the director to persons who qualify to operate vehicles for hire. Sometimes referred to as a driver's permit.

Permittee means a person granted a permit to operate vehicles for hire in the City of Woodstock.

Sedan means any luxury or non-luxury sedan or town car type vehicle which has a seating capacity of not more than five passengers and the driver and which does not contain a taximeter designed to measure electronically or mechanically the distance traveled or time.

Sedan carrier means any person operating a service regularly rendered to the public by furnishing transportation as a motor common carrier for hire, not over fixed routes, by means of sedans driven by chauffeurs on the basis of telephone contract, written contract or other prearrangement.

Taxicab means a motor vehicle used as a public conveyance which does not meet the requirements of a limousine, is not a van, minibus or sedan, has a taximeter and is subject to the rules and regulations of this article.

Taxicab stand means any area on privately owned property which is approved and designated for the parking, stopping or standing of taxicabs by the property owner or person lawfully responsible for the property for the purpose of accepting or soliciting any consideration, charge or fee in exchange for transportation by or other use of the taxicabs. Such designation must be made in writing granting express authority to the licensee to operate from or within a taxicab stand by the property owner or person responsible for the property and kept on file at the business license office for each current year of the designation.

Valid complaint means a complaint against an operator or business to the business license office where the complainant provides his name, address and substance of complaint, and expresses a willingness to attend any hearing regarding his complaint.

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Van means any motor vehicle, other than a limousine, extended limousine, minibus or a sedan, with a designed seating capacity for no more than 15 passengers, including the driver.

Vehicle for hire means any motor vehicle designed or used for the purpose of transporting passengers for consideration or charges which are determined by agreement, contract, mileage or by the length of time the vehicle is used. Such term does not include vehicles regulated by the state public service commission. For the purposes of this article, vehicles for hire shall mean taxicabs and sedans.

Vehicle permit sticker means a sticker issued to a licensee upon proof of insurance and verification of compliance with city vehicle mechanical safety standards, to be placed on each vehicle for hire operated under this article and renewed annually.

(Ord. of 5-23-2006(2))

Sec. 22-176. - Compliance.

It is unlawful for any person to drive, use or operate on the city streets any taxicab, automobile, bus or other motor vehicle engaged in the business of conveying and transporting passengers for hire unless that person complies and continues to comply with the regulations, restrictions, rules and conditions set forth in this article.

This article shall apply to those businesses which have a business location within the city limits of the city and those business which operate within the city which are not licensed pursuant to an ordinance specifically designed to regulate vehicles for hire by a city or county within the State of Georgia. This article shall not apply to those businesses which are licensed pursuant to an ordinance specifically designed to regulate vehicles for hire in another city or county within the State of Georgia.

(Ord. of 5-23-2006(2))

Sec. 22-177. - Persons deemed engaged in business of vehicles for hire.

Any person who is within the city that engages in picking up passengers and accepting or soliciting any consideration, charge or fee which is determined by an agreement, by mileage, by the length of time the vehicle is used or by contract for the use of any motor vehicle or other vehicle designed or used for the purpose of transporting is deemed to be engaged in the business of vehicles for hire.

(Ord. of 5-23-2006(2))

Sec. 22-178. - Liability.

Any vehicle for hire company operating under this article shall hold the city and its officers, agents, servants and employees harmless against any and all liability, loss, damages or expense which may accrue to the city by reason of negligence, default or misconduct of the company in connection with the rights granted to each company under this article. Nothing in this article shall be considered to make the city or its officers, agents, servants or employees liable for damages because of any negligent act or omission or commission by any vehicle for hire company, its servants, agents, drivers or other employees, during the service and operation by the company of a vehicle for hire business or either in respect to injury to persons or with respect to damage to property which may be sustained.

(Ord. of 5-23-2006(2))

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Sec. 22-179. - Vehicle markings; rates.

(a) Each taxicab shall plainly and prominently advertise the name and telephone number of the person who holds the business license to operate the vehicle. Such advertisement shall be permanently affixed to both sides of the vehicle. In addition, each vehicle shall have affixed to both sides and the rear the city business license number, lettering at least two inches in height.

(b) A schedule of rates and hours of operation shall be marked on the side of the taxicab so as to be plainly visible to persons seeking to engage such vehicle for hire and shall be filed with the business license office by the licensee.

(c) Each taxicab shall have a taxi roof-light mounted on the roof of the vehicle. Such roof-light shall have a lighting system functional for night time operation.

(Ord. of 5-23-2006(2))

Sec. 22-180. - Maintenance and inspection of vehicles.

(a) Each person operating or engaging in the vehicle for hire business shall maintain each vehicle thus operated in a good, safe and serviceable mechanical condition. Such condition shall be evidenced by a certificate executed by either of the following:

(1) A dealership doing business in the state which is authorized by the manufacturer to sell, as new, the make of the subject vehicle; or

(2) An ASE certified mechanic holding such certification for a minimum of five years.

(b) Such certificate on a standard form provided by the city shall state that the subject vehicle is in a good, safe and serviceable mechanical condition after a careful examination and inspection thereof has been made. The certificate shall be delivered to the police department, and the certificate shall then be inspected by the police department to determine its compliance with this section. As part of the police inspection all seat belts including the rear seat belts shall be inspected for proper operation. If there is any question regarding the police inspection and the certification the vehicle shall be returned to the certifying agency for re-inspection.

(c) Upon the delivery of the certificate and if the vehicle is found to be in compliance with this section, a decal shall be affixed to the exterior of the vehicle in order to indicate such vehicle's compliance with this section. Such decal shall be valid for a period of not more than 12 months or until the end of the calendar year for which such decal was issued. No vehicle shall be operated in the city without a current and valid decal issued pursuant to this section.

(d) Any vehicle found to be substandard shall be removed from service immediately and will remain removed from service until adequate proof is provided to the chief of police or his designee or the director that the vehicle is compliant with this code. Proof that a vehicle has been brought into compliance with the standards shall not affect the ability to assess any and all civil or criminal penalties or actions against the business or driver for violation of this Code.

(Ord. of 5-23-2006(2))

Sec. 22-181. - Removal of vehicles from service.

The chief of police or director shall have the authority to remove from operation on the city streets any

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vehicle used as a vehicle for hire which is in violation of this article and to prohibit operation of such vehicle until all deficiencies have been corrected. An order of the chief of police or director to remove a vehicle from the streets may be appealed to the city council. Such appeal must be filed with the city clerk within ten days following the date of the order.

(Ord. of 5-23-2006(2))

Sec. 22-182. - Parking of taxicabs.

The driver of a taxicab shall not park upon any street in any business district at any place other than at a taxicab stand, except that this section shall not prevent the driver of such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading and unloading passengers, and from making emergency repairs.

(Ord. of 5-23-2006(2))

Sec. 22-183. - Cruising.

Operators of taxicabs are prohibited from cruising about the streets of the city or any private property for the purpose of picking up and transporting passengers who have not previously requested such service by telephone or by personal command. Licensees under this article are responsible for ensuring that no driver participates in cruising.

(Ord. of 5-23-2006(2))

Sec. 22-184. - Call jumping.

Licensees under this article shall not participate in nor allow their drivers to practice call jumping or the act of intercepting a passenger who has requested service from another company.

(Ord. of 5-23-2006(2))

Sec. 22-185. - Daily dispatch log sheets.

In order to maintain a license to operate a vehicle for hire service, a licensee must maintain daily dispatch log sheets, which shall be kept on file at the licensed business premises for a minimum of one year. Dispatch log sheets shall indicate all passengers carried, the time, place of entry and destination of each passenger, the amount charged and an itemization of any personal property left in the vehicle.

(Ord. of 5-23-2006(2))

Sec. 22-186. - Interior requirements of vehicles for hire.

(a) The interior of each vehicle for hire shall be maintained in a clean condition, free of foreign matter and offensive odors. There shall be no litter in the vehicle or trunk and the seats shall be kept clean and without holes or large wear spots.

(b) All vehicles for hire shall present a clean environment for passengers.

(c) The telephone number of the business license office shall be prominently displayed within the taxicab, designating such number as the number to call when filing complaints.

(d) Permittees and licensees shall be responsible for compliance with this section.

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(Ord. of 5-23-2006(2))

Sec. 22-187. - Business audits.

Each person licensed to do business under the provisions of this article and this chapter, including limousine carriers, shall be subject to audit by the city. The city shall conduct such audit at reasonable times and with prior notice to the licensee.

(Ord. of 5-23-2006(2))

Sec. 22-188. - Appearance and hygiene of drivers.

Drivers of vehicles for hire must practice good personal hygiene and wear proper dress while operating a vehicle for hire. Proper dress shall mean the wearing of shoes, ankle-length pants, a shirt or blouse with sleeves and collar. Hats must be of the baseball style or chauffeur's cap. Clothing must be clean and not visibly soiled.

(Ord. of 5-23-2006(2))

Sec. 22-189. - Drivers' duties and responsibilities.

(a) Drivers of taxicabs shall notify their dispatcher of any personal property left in the vehicle for hire and such property shall be noted on the daily dispatch log sheets. Within 24 hours of discovery of any personal property left by a passenger, a driver shall forward such property to the police department or to its company's headquarters. Licensees shall maintain an accurate log of all private property held by them and the names of all persons claiming and receiving such property for a minimum of one year.

(b) A driver shall take the most direct route to a passenger's destination unless otherwise authorized or directed by the passenger.

(c) It shall be unlawful for any driver of a vehicle for hire who is not permitted and for any person who is not licensed to solicit or engage passengers within the city.

(d) No driver shall refuse to accept a passenger unless the passenger is obviously intoxicated or dangerous.

(e) No driver shall refuse to accept a passenger solely on the basis of race, color, national origin or religious belief.

(f) No driver shall be permitted to carry nonpaying passengers in a taxicab while transporting a paying passenger or passengers except for the purpose of driver training.

(g) It shall be unlawful for a driver to operate his vehicle in a manner which threatens a passenger or anyone else, or to threaten or otherwise abuse a passenger.

(h) It shall be unlawful for a driver to discharge any passenger before reaching the passenger's destination unless the driver has a reasonable belief that the passenger is dangerous, or unless street or area conditions do not permit a safe discharge to either the passenger or driver.

(i) No television sets may be operated on the front seat on which the driver sits inside of a moving vehicle.

(j) It shall be unlawful for drivers to drive, or for companies or other entities to allow to be driven, any

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vehicle for hire which does not have a valid inspection sticker, is not validly insured or, if a taxicab, has an unsealed or improperly working taxi-fare meter.

(k) Persons or other entities operating a taxicab service or as a sedan carrier shall be prohibited from allowing such vehicles to be operated by persons not holding valid operator permits.

(l) Drivers shall not be required to carry more than \$15.00 in change.

(m) Upon request of a passenger of a taxicab, drivers shall give receipts showing the amount of fare paid, name of company, license number, number of passengers, location of trip origination and location of trip termination. Upon request of a passenger of a sedan carrier, drivers of sedans shall give receipts showing the amount paid.

(Ord. of 5-23-2006(2))

Sec. 22-190. - Complaints; records; hearings.

(a) The business license office shall be responsible for receiving complaints concerning the operation of vehicles for hire in the city. Pursuant to sections 22-179 and 22-186, the telephone number of the business license office shall be prominently displayed outside and inside the taxicab and shall designate such number as the number to call for filing complaints.

(b) The business license office shall maintain true and accurate records of the names and identification numbers of each driver permitted to drive vehicles for hire and each business licensed to operate a taxicab service or as a sedan carrier, together with other requirements of this article, and shall maintain a log of all complaints for each operator and licensee. If the business license office shall receive any article violation complaints concerning a particular operator, or three violation complaints concerning a licensee, the business license office shall notify the operator and licensee of the complaints if the business license director sets a hearing on such complaints or suspends the operator's permit or business license. The operator or licensee will have the right to show cause that he is in compliance with the rules and regulations of this article.

(c) A hearing shall be set before the council no later than 30 days after the director has notified the licensee or permittee of a hearing or has suspended a permit or license. The operator may use witnesses or other evidence to show his compliance with the ordinances of the city. If the city council shall determine a violation on the part of the operator or licensee of the ordinances of the city, it may suspend or revoke the operator's permit or suspend or revoke the business license.

(d) The business license office shall maintain a true and accurate log of each complaint showing the name of the complainant, the address of the complainant and the substance of the complaint. Such records shall be available to the operator and licensee, and shall be deemed a public record.

(Ord. of 5-23-2006(2))

Sec. 22-191. - Sedan carriers and chauffeurs exempt from certain provisions.

(a) The following provisions of this article shall not apply to sedan carriers:

(1) Subsection 22-196(c)(4), regarding a copy of the rate schedule and operation hours.

(2) Subsection 22-196(c)(8), regarding dispatcher's address and operating hours.

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(3) Subsection 22-198(a)(1), regarding submitting a company logo and/or identification color scheme.

(4) Subsections 22-179(a), (b) and (c), regarding vehicle markings and rates.

(5) Subsection 22-186(c), regarding the prominent display of the telephone number of the business license office.

(6) Subsection 22-189(a), regarding the first sentence pertaining to notification of a dispatcher concerning personal property left behind.

(7) Subsection 22-190(a), second sentence, regarding display of the business license office telephone number.

(b) The following provisions shall not apply to a chauffeur if such chauffeur can show that he has provided substantially the same information to the public service commission within the last 12 months:

(1) Subsection 22-196(c), regarding submitting to a police clearance consisting of a background investigation and/or fingerprinting.

(2) Subsection 22-205(c), regarding submitting to a police clearance consisting of a background investigation and/or fingerprinting.

(c) All other provisions of this article shall remain in full force and effect with regard to sedan carriers and chauffeurs.

(Ord. of 5-23-2006(2))

Sec. 22-192. - Previous denial or revocation of business license or operator's permit.

All persons who have had their business license or operator's permit revoked must reapply for a license or permit. No license or operator's permit shall be issued to an applicant if within 12 months immediately preceding the filing of the application the applicant for a license, operator's permit or renewal has had an application denied or a license or operator's permit revoked.

(Ord. of 5-23-2006(2))

Sec. 22-193. - Age of vehicles for hire, taxicabs and sedans.

As of December 31, 2006, no vehicle having a vehicle age greater than eight years may be operated as a taxicab, vehicle for hire or sedan in the city. For the purpose of section, the term vehicle age shall be the vehicle model year. The council may consider a waiver of the age limitation within the first two years following adoption in the case of hardships and the condition of the vehicle.

(Ord. of 5-23-2006(2))

Secs. 22-194, 22-195. - Reserved.

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Sec. 22-196. - License requirements generally.

(a) No person shall engage in the business of operating vehicles for hire, except limousines, in the city without first having been issued a business license. Limousine carriers and other vehicles not regulated by this article but engaged in the business of vehicles for hire which are domiciled within the city must be issued a business license and pay business license fees. All licenses shall be issued by the city business license office.

(b) The license must be posted in public view at the license location.

(c) In order to secure a business license to operate a taxicab service or as a sedan carrier, an applicant must provide information showing its qualifications on a form provided by the business license office of the city, information requested by the police department and must submit to a police clearance consisting of a background investigation and/or fingerprinting. If the applicant is other than a sole proprietor, all partners, officers, managers and stockholders holding a twenty percent or more interest in the company shall be subject to the provisions of this section. An applicant must:

(1) Be at least 21 years of age.

(2) Be a citizen of the United States or an alien admitted for permanent residence or a person who has otherwise been granted employment authorization by the United States Immigration and Naturalization Service.

(3) Not have been convicted, pleaded guilty, pleaded nolo contendere or been on probation or parole, for a period of five years previous to the date of application for the violation of any of the following criminal offenses of the state or any other state or of the United States: criminal homicide; rape; aggravated battery; mayhem; burglary; aggravated assault; kidnapping; robbery; child molestation; any sex-related offense; driving a motor vehicle while under the influence of intoxicating beverages or drugs; leaving the scene of an accident; criminal solicitation to commit any of these listed offenses; attempts to commit any of these listed offenses; any felony in the commission of which a motor vehicle was used; perjury or false swearing; any crime of violence or theft or possession, sale or distribution of narcotic drugs, barbituric acid derivatives or central nervous system stimulants; provided, however, that all applicants shall be entitled to the full benefits of O.C.G.A. § 42-8-60 et seq., relating to first offender status. If at the time of application the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal.

(4) Provide a copy of the rate schedule and the daily hours of operation.

(5) Provide the name, address and telephone number of a responsible individual who is a fulltime employee in a management position of the applicant residing in the county who will be the registered agent for the purpose of serving of process.

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- (6) Provide proof of insurance pursuant to section 22-197
 - (7) Provide information and verification pursuant to section 22-198
 - (8) Provide the address of an office staffed by company agents or employees, including a dispatcher that will be open between the hours of 7:00 a.m. and 7:00 p.m., and during any additional hours that any vehicle for hire associated with that company is being operated.
- (d) All licenses obtained through the business license office of the city for taxicab companies or other entities shall not be transferable.

(Ord. of 5-23-2006(2))

Sec. 22-197. - Insurance coverage.

(a) An applicant for a business license to operate a taxicab service or as a sedan carrier shall provide with the application proof of a single motor vehicle insurance policy which documents that all vehicles are to be used as a vehicle or vehicles for hire, covering public liability and property damage issued by an insurer authorized to do business in the state and in the applicant's name, which insurance shall have a term of at least six months in the following amounts per vehicle:

- (1) \$25,000.00 per death or bodily injury per person.
- (2) \$50,000.00 per death or bodily injury per occurrence.
- (3) \$15,000.00 personal property damage.

Should the state law which requires motor vehicle liability minimum insurance coverage as evidence of security for bodily injury and property damage liability (O.G.G.A. § 40-9-1 et seq., the Motor Vehicle Safety Responsibility Act) be changed to require greater minimums in any category of liability listed in subsections (1) through (3) of this subsection, the minimum amounts listed in this subsection shall be automatically amended to require such amounts upon the effective date of such legislation with no additional notice to the public and no formal action required by the city. Additionally, should there be enacted at any time laws affecting insurance requirements of vehicles for hire particularly, this article will automatically incorporate such requirements with no additional notice to the public and no formal action required by the council. Applicant must further provide certifications from the insurer or the insurer's agent that notification of the cancellation of the insurance for a vehicle or vehicles of the applicant shall be provided to the business license office of the city.

(b) All persons licensed to operate a taxicab service or as a sedan carrier in the city shall be entitled to continue doing business, provided such person or entity submits to the business license office of the city proof of current insurance in the manner and amounts described above and verification pursuant to section 22-180 on or before the effective date of the ordinance from which this article is derived.

(c) Proof of insurance must be submitted in accordance with the term of the individual policy, but in any event at least on an annual basis. Such proof may be made in either of the following two ways:

- (1) By providing a current insurance identification card for each vehicle intended to be operated during the period of the policy; or
- (2) By providing a verified statement from a licensed insurance agent or licensed insurance company within this state setting forth the identity of the vehicle for which coverage has been

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procured (by vehicle identification number, make and model), the amount of coverage afforded to each such vehicle, indication that the vehicle is being operated as a taxicab and the term for which such coverage has been prepared by the licensed company or entity.

(d) Before the policy is canceled for nonpayment of premium or other cause, notice thereof shall be given in writing to the business license office of the city at least 30 days before the policy lapses.

(e) A licensee shall report any additional vehicles to be operated pursuant to this article to the business license office and shall provide proof of insurance on such vehicles pursuant to this section.

(Ord. of 5-23-2006(2))

Sec. 22-198. - Vehicle permit stickers with license.

A business duly licensed to operate a taxicab service or as a sedan carrier pursuant to this article will be issued, at the time of licensing or at the time of providing proof of insurance as required by subsection 22-197(b), vehicle permitting stickers for each vehicle owned, leased or operated by such business, pursuant to the following conditions:

(1) The applicant or licensee must:

a. List all vehicles to be operated in the business, indicating their make, model, year, VIN, tag number and color, on a form to be provided by the business license office. Each company shall submit a company logo and/or identification/color scheme, which shall not be the same or similar to any other company. The logo and/or identification/color scheme shall be approved by the business license office.

b. Execute a verification statement concerning the mechanical safety of each vehicle listed in subsection (1)a. of this section pursuant to section 22-180

c. Provide proof of insurance for each vehicle listed in subsection (1)a. of this section as set forth in section 22-197, along with vehicle registration, both of which must be in the applicant's name.

(2) Stickers must at all times be displayed on the passenger's rear side window and in the front windshield, bottom right-hand corner for sedan carriers. Each vehicle will be assigned a numbered sticker and that sticker may not be used on any other vehicle.

(3) No vehicle permit sticker issued under this article may be leased, subleased, assigned or otherwise transferred. No vehicle to which a permit sticker is affixed may be leased, subleased or otherwise assigned for the purpose of operating a taxicab service or as a sedan carrier under this article.

(4) A licensee shall report any additional vehicles to be operated pursuant to this article and shall provide all information necessary and pay all fees required to obtain additional vehicle permit stickers.

(5) A fee schedule for vehicle permit stickers will be recommended by the director to be considered for approval from time to time by the council. Such schedule will be on file with the city clerk, the business license office and the police department. It shall be the responsibility of the licensee to renew vehicle permit stickers annually. Any licensee who fails to timely renew its vehicle permit and pay such fee when due shall pay, in addition to such fee, a separate penalty

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equal to ten percent of the permit sticker fee for each period of 30 days, or portion thereof, following the due date. To be considered a city business for purposes of determining vehicle sticker permit fees, a business must have or operate out of one or more offices in the city. A post office box will not constitute an office.

(6) If a business license is suspended for any length of time, all vehicle permit stickers associated with such license shall be null and void for the period of the suspension only. If the suspension is in effect on the annual renewal date of the business license or on the annual renewal date of the vehicle permit sticker, then immediately upon the suspension ending, such person or entity shall renew its license and vehicle permit stickers.

(Ord. of 5-23-2006(2))

Sec. 22-199. - Denial, suspension and revocation of business license; hearing.

(a) A business license or an application for a business license under this article may be denied, suspended or revoked for due cause as defined in subsection (d) of this section. A business license shall be granted by the business license office if the application meets all the legal requirements of this article and the police department provides a clearance consistent with the requirements of this article. If the application does not meet all the legal requirements of this article or the police department does not provide a clearance on the application, it shall not be granted by the business license office. Any decision of the director shall be final unless an appeal is filed by any aggrieved party within ten days from the date of notice to the applicant regarding the denial of the application. The appeal shall be to the council as provided.

(b) Upon summary consideration of facts that indicate due cause under subsection (d) of this section, the director may suspend a license under this article. The suspension shall be reported in writing to the council and the council will review such action at the next regularly scheduled public meeting. A notice shall be sent to the licensee setting forth the time, place and purpose of the meeting. After a hearing, if the council determines due cause to exist, the council may suspend, revoke or place on probation for a maximum of 12 months, with or without conditions, the license or licensee.

(c) A business license previously issued by this city may be revoked only after a hearing before the council upon a prior written notice to the licensee setting forth the time, place and purpose of such hearing and a statement of the reason why the license would be revoked. Unless the circumstances justify otherwise, three days' notice shall be deemed reasonable, but shorter or longer periods of notice shall be authorized as the council may deem the circumstances justify. The hearing shall be held no later than 30 days after the director notifies the licensee of a hearing before the council. After a hearing, if the council determines due cause to exist, the council may suspend, revoke or place on probation for a maximum of 12 months, with or without conditions, the license or licensee.

(d) A business license may be denied, suspended or revoked for any of the following reasons:

(1) Where the applicant furnishes fraudulent or untruthful information or omits information requested in the application for a business license.

(2) For failure to pay all fees, taxes, penalties or other charges imposed by the provisions of this article.

(3) For failure to maintain all of the general qualifications applicable to the initial issuance of a license.

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(4) For violation of any part of this article by the licensee, its agents, partners, officers, employees or contractors.

(5) Allowing the required insurance coverage to lapse.

(6) Allowing taxicabs to operate in the city that do not meet the requirements and standards adopted by council.

(7) Three violation complaints received pursuant to section 22-190 and determined to be valid by the council.

(e) Licensees under this article are responsible for violations of this article by their vehicle operators, whether such operators are direct employees or independent contractors.

(Ord. of 5-23-2006(2))

Sec. 22-200. - Reciprocity with other counties and municipalities.

If the council adopts fees from time to time which provide a financial benefit to "resident" city companies and drivers, and in the event that any other state county or municipality should enact provisions which are similar in nature to those contained in this article, and provided such other county or municipality grants similar reciprocity and to the same extent to city companies and drivers operating in its jurisdiction, then as to the applicable individual operator's permit fees, vehicle permit sticker fees and business license regulatory fees approved by the council, the fees assessed against non-city operators and licensees shall be reduced to the amount of the fee assessed against resident city drivers and licensees in such other county or municipality, but in no event will the fee be reduced to less than the fee assessed against city drivers and licensees operating in the city.

(Ord. of 5-23-2006(2))

Secs. 22-201—22-204. - Reserved.

DIVISION 3. - DRIVER PERMITS

[Sec. 22-205. - Regulation of drivers of vehicles for hire.](#)

[Sec. 22-206. - Denial, suspension, revocation of permits; hearing.](#)

[Sec. 22-207. - Compliance.](#)

[Secs. 22-208—22-211. - Reserved.](#)

Sec. 22-205. - Regulation of drivers of vehicles for hire.

(a) No person shall operate a taxicab or sedan without an operator's permit issued by the business license office. No business licensed to operate a taxicab service or as a sedan carrier shall employ any driver who has not been issued an operator's permit.

(b) Operator's permits shall not be issued to any driver not employed by or representing a licensed company. Proof of employment or representation shall be presented upon application of a permit.

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(c) An applicant for a permit must furnish information requested on a form to be provided by the business license office and submit to a police clearance consisting of a background investigation and/or fingerprinting. Operator permit applicants must meet the following requirements:

(1) Be at least 21 years of age; provided, however, any driver between the age of 18 and 21 who was operating a taxicab on or before the effective date of the ordinance from which this article is derived shall not be subject to this age provision.

(2) Be a citizen of the United States or an alien admitted for permanent residence or a person who has otherwise been granted employment authorization by the United States Immigration and Naturalization Service.

(3) Possess a current, valid Georgia state driver's license, which must not be limited as defined in O.C.G.A. §§ 40-5-58 and 40-5-64.

(4) Exhibit proficiency with the English language so as to be able to comprehend and interpret traffic signs, issue written receipts to passengers and obey lawful orders of police and others in lawful authority.

(5) Not have been convicted, pleaded guilty, pleaded nolo contendere or been on probation or parole, for a period of five years previous to the date of application, for the violation of any of the following criminal offenses of the state or any other state or of the United States: criminal homicide; rape; aggravated battery; mayhem; burglary; aggravated assault; kidnapping; robbery; child molestation; any sex-related offense; driving a motor vehicle while under the influence of intoxicating beverages or drugs; leaving the scene of an accident; criminal solicitation to commit any of these listed offenses; attempts to commit any of these listed offenses; any felony in the commission of which a motor vehicle was used; perjury or false swearing; any crime of violence or theft, or possession, sale or distribution of narcotic drugs, barbituric acid derivatives or central nervous system stimulants; provided, however, that all applicants shall be entitled to the full benefits of O.C.G.A. § 42-8-60 et seq., relating to first offender status. If at the time of application the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal.

(d) All operator permits automatically expire one year from the date they are issued. It shall be the responsibility of the operator to renew the permit and pay the applicable fee.

(e) Drivers are responsible for reporting any change in qualifications or status from information previously supplied to the business license office within ten days of such change.

(f) Operator permits must be posted on the dash or sun visor of the vehicle being driven so that it is visible from the passenger area. Drivers of sedans must have their operator's permits in their possession and they must be visible to passengers. Licensees under this article are responsible for checking to ensure that each driver has a current operator's permit in his possession and that such permit is posted on the dash or sun visor of the vehicle being operated.

(g) A schedule of permit fees, as adopted from time to time by the council, shall be posted in the offices of the city clerk, business license office and the police department. Any permittee who fails to timely renew his permit and fails to pay such fee when due shall pay, in addition to such fee, a separate penalty equal to ten percent of the required fee, for each period of 30 days, or portion thereof, following the due date. If the fees adopted from time to time by the council provide for different fees for city drivers/operators than for non-city drivers/operators, to be considered a city driver/operator and pay

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fees associated therewith, a driver must have or operate out of one or more offices in the city; a post office box will not constitute an office. Proof of a current lease, if applicable, for the company premises, an affidavit as to ownership or occupancy or proof of association with a city licensee must be submitted to the police department upon request.

(Ord. of 5-23-2006(2))

Sec. 22-206. - Denial, suspension, revocation of permits; hearing.

(a) An operator's permit or an application for an operator's permit under this article may be denied, suspended or revoked for due cause as defined in subsection (d) of this section. An operator's permit shall be granted by the director or his designee if the application meets all the legal requirements of this article and the police department provides a clearance consistent with the provisions of this article. If the application does not meet all the legal requirements of this article or the police department does not provide a clearance on the application, it shall not be granted by the director or his designee. Any decision of the director shall be final unless an appeal is filed by any aggrieved party within ten days from the date of notice to the applicant regarding denial of the application. The appeal shall be to the council.

(b) The director or his designee may suspend or revoke an operator's permit for due cause as defined in subsection (d) of this section. The suspension or revocation shall be reported in writing to the council, and the council will review such action at the next regularly scheduled meeting. A notice shall be sent to the permittee setting forth the time, place and purpose of the meeting. After a hearing, the council may affirm the decision of the director to suspend or revoke the permit, or place on probation for a maximum of 12 months, with or without the conditions, the permit or operator. If the decision of the director is disaffirmed, the permit shall be returned to the permittee immediately.

(c) The decision of the council shall be final.

(d) An operator's permit may be denied, suspended or revoked for any of the following reasons:

- (1) Violation of any part of this article.
- (2) Where the applicant furnishes fraudulent or untruthful information or omits information requested in the application for a permit.
- (3) Failure to pay any fees imposed by the provisions of this article.
- (4) Failure to maintain all the general qualifications applicable to the initial issuance of a driver's permit.
- (5) Having four or more moving traffic violations in any 12-month period.
- (6) Refusing to accept a passenger solely on the basis of race, color, national origin or religious belief.
- (7) Operating a vehicle with knowledge, actual or implied, that the required insurance coverage is not current or has lapsed.
- (8) Operating a vehicle in a manner that threatens a passenger or anyone else.
- (9) Operating a vehicle the driver knows or should know is not in compliance with the motor

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vehicle safety standards approved by the council.

(10) The permit applicant, during the 12-month period next preceding the filing of his application, has suffered a revocation of his operator's permit.

(11) A complaint is received pursuant to section 22-190 and determined to be valid by the council.

(e) Notwithstanding any of the provisions in this section, any permits issued through administrative error or an error in the completion of a background investigation may be terminated by the director.

(Ord. of 5-23-2006(2))

Sec. 22-207. - Compliance.

All existing business license holders engaging in the business of vehicles for hire must comply with this article by July 1, 2006.

(Ord. of 5-23-2006(2))

Secs. 22-208—22-211. - Reserved.

DIVISION 4. - ENFORCEMENT, PENALTY AND FEES

[Sec. 22-212. - Enforcement and penalty.](#)

[Sec. 22-213. - Fees.](#)

[Sec. 22-214. - Effective date.](#)

Sec. 22-212. - Enforcement and penalty.

(a) The police department and the business license office shall enforce the regulations contained in this article.

(b) Violations of the provisions of this article shall be punished by the payment of fines up to \$1,000.00 or imprisonment up to six months, or both. Each separate occurrence shall be deemed a separate offense.

(c) The violation of the provisions of this article by any person, corporation, partnership or other entity, whether a licensee or permittee, may be enjoined by instituting appropriate proceedings for injunctions in the courts of competent jurisdiction in this state. Such actions may be maintained notwithstanding that other adequate remedies at law exist. Such actions may be instituted in the name of the governing authority of the city.

(d) Violations of any provision of this article by any licensee shall be due cause for revocation of any city business license, after notice and hearing before the council.

(e) Violations of any provision of this article by any permittee shall be due cause for revocation of any permit after notice and hearing as provided in this article.

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(f) The remedies set forth in subsections (a) through (e) of this section are cumulative to each other.

(Ord. of 5-23-2006(2))

Sec. 22-213. - Fees.

(a) Administrative fee,	\$30.00 one time new business application.
(b) Business license,	\$100.00 yearly Jan.-Dec.
(c) Application processing,	\$150.00 one time fee new application.
(d) Fingerprinting,	\$30.00 each time required.
(e) Drivers permit,	\$25.00 at issue valid for 12 months

(Ord. of 5-23-2006(2))

Sec. 22-214. - Effective date.

This article shall take affect immediately upon adoption as follows:

- (1) Shall apply to all new applicants for business licenses and drivers permits.
- (2) Existing businesses shall comply with these requirements by July 1, 2006. Credit shall be provided for any license fees paid.
- (3) Existing drivers are required to have their driver's permits by July 1, 2006. Credit shall be provided for any license fees paid.
- (4) Existing home business licensed locations may continue until January 1, 2007, after that date the business license must be at a location in accordance with this article and the zoning code of the city.

(Ord. of 5-23-2006(2))